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SAVE MART SUPERMARKETS  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
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13 SAVE MART SUPERMARKETS, d/b/a  
FOOD MAXX, a California Corporation

14 Plaintiff,

15 vs.

16 WAL-MART REAL ESTATE BUSINESS  
TRUST, a Delaware Statutory Trust, WAL-  
17 MART STORES, INC., a Delaware  
Corporation

18 Defendants.  
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Case No.: 08-03885

**~~PROPOSED~~ ORDER TO FILE FIRST  
AMENDED COMPLAINT FOR  
DECLARATORY RELIEF,  
ANTICIPATORY BREACH AND  
INJUNCTIVE RELIEF**

1 IT IS HEREBY ORDERED THAT:

2 1. Plaintiff Save Mart Supermarkets may file the First Amended Complaint attached  
3 to the Stipulation to File First Amended Complaint for Declaratory Relief, Anticipatory Breach  
4 and Injunctive Relief; and

5 2. Wal-Mart Real Estate Business Trust shall not respond to the Complaint and  
6 instead both Wal-Mart Real Estate Business Trust and Wal Mart Stores, Inc. shall respond to the  
7 First Amended Complaint within sixty (60) days of service by Save Mart of a F.R.C.P. 4(d)  
8 request for waiver of service.

9 Dated: August 28, 2008

